

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA**

MARLIN LUSTGRAAF,

Plaintiff,

vs.

**SUNSET FINANCIAL SERVICES,
INC., AND BRYAN S. BEHRENS,**

Defendants.

CASE NO. 8:08-CV-00335-LSC-FG3

**JEAN (J.P.) POOLE & DEE POOLE,
TRUSTEES OF THE POOLE
FAMILY TRUST,**

Plaintiffs,

vs.

**SUNSET FINANCIAL SERVICES,
INC., AND BRYAN S. BEHRENS,**

Defendants.

CASE NO. 8:08-CV-00399-LSC-FG3

MILO VACANTI.

Plaintiff,

vs.

**SUNSET FINANCIAL SERVICES,
INC., AND BRYAN S. BEHRENS,**

Defendants.

CASE NO. 8:08-CV-00436-LSC-FG3

**WILLIAM GREEN AND JOANN
GREEN,**

Plaintiffs,

vs.

**SUNSET FINANCIAL SERVICES,
INC., AND BRYAN S. BEHRENS,**

Defendants.

CASE NO. 8:09-CV-00013-LSC-FG3

MILO VACANTI,

Plaintiff,

vs.

**SUNSET FINANCIAL SERVICES,
INC., AND BRYAN S. BEHRENS,**

Defendants.

CASE NO. 8:09-CV-00044-LSC-FG3

ORDER

THIS MATTER is before the Court on the motion of Plaintiffs for leave to depose Bryan S. Behrens (Inmate Register No. 22932-047), a federal prisoner, who is in the custody of the Federal Bureau of Prisons and is serving a term of incarceration at the Federal Correctional Institution in Terra Haute, Indiana; and for an order directing the Warden of the Federal Correctional Institution in Terra Haute to produce Mr. Behrens for deposition by Plaintiffs beginning February 20, 2012 or another date to be determined after consultation with the appropriate personnel of the Federal Bureau of Prisons, consultation among counsel for the

parties, and a conference with the Court if necessary. (Filing No. 215, Case No. 8:08-CV-00335; Filing No. 213, Case No. 8:08-CV-00399; Filing No. 203, Case No. 8:08-CV-00436; Filing No. 167, Case No. 8:09-CV-00013; and Filing No. 131, Case No. 8:09-CV-00044). The Court, being fully advised in the premises, finds that Plaintiffs' Motion for Leave to Depose Federal Prisoner should be granted.

IT IS ORDERED that Plaintiffs and Defendant Sunset Financial Services Inc. are granted leave of this Court to depose Bryan S. Behrens. The Warden of the Federal Correctional Institution in Terra Haute shall produce Bryan S. Behrens for deposition by Plaintiffs and by Defendant Sunset Financial Services Inc. at the Federal Correctional Institution in Terra Haute beginning February 20, 2012 or at another date and time to be determined after consultation with the appropriate personnel of the Federal Bureau of Prisons and consultation among counsel for the parties.

IT IS FURTHER ORDERED that the deposition(s) shall not be limited to the seven hour or one day periods referenced in Federal Rule of Civil Procedure 30(d)(1).

IT IS FURTHER ORDERED that Plaintiffs' and Sunset Financial Services Inc.'s deposition(s) of Bryan S. Behrens shall be taken for use at trial and for all purposes permitted under the Federal Rules of Civil Procedure, shall be recorded by stenographic means, and may be videotaped.

DATED January 5, 2012.

BY THE COURT:

S/ F.A. Gossett

United States Magistrate Judge